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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,036	01/24/2001	Bea Calo	1991-00301	5934
7590	06/25/2009		EXAMINER	
ROBERT GRAY CONLEY, ROSE & TAYON, P.C. P.O. Box 3267 Houston, TX 77253-3267			AKINTOLA, OLABODE	
			ART UNIT	PAPER NUMBER
			3691	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,036	<b>Applicant(s)</b> CALO ET AL.
	<b>Examiner</b> OLABODE AKINTOLA	<b>Art Unit</b> 3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 10 June 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3,4,6,7,11-13,21,22,24-26,29 and 46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3,4,6,7,11-13,21,22,24-26,29 and 46 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/89/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 4, 6, 7, 11, 13, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al (USPN 5424938) in view of Hawkins et al (USPN 6029146) as discussed in the previous office action mailed on June 1, 2006 (as affirmed by the BPAI mailed on July 20, 2207), in view of Minton (USPN 6014643) and further in view of Chichilnisky (USPAP 20020032642).

Re claims 3, 4, 6, 7, 11, 13, 26, 29 and 46: Wagner and Hawkins combination teaches the limitations of these claims except wherein, as a result of detecting a corporate action pertaining to one or more open transaction orders, the computerized executing affiliate transfers one or more messages to the global hub, said messages containing information pertaining to said open

transaction orders affected by the corporate action; wherein, as a result of receiving said messages, the global hub forwards at least one of the messages to the computerized introducing affiliate, said at least one of the messages contains information pertaining to open transaction orders placed by said introducing affiliate.

Chichilnisky teaches the concept of detecting a corporate action pertaining to portfolios, the computerized executing affiliate transfers one or more messages to the global hub, said messages containing information pertaining to said portfolios affected by the corporate action; wherein, as a result of receiving said messages, the global hub forwards at least one of the messages to the computerized introducing affiliate, said at least one of the messages contains information pertaining to portfolios of said introducing affiliate (paragraphs 0021, 0054-0061, 0087, 0104-0105, 0131).

Minton teaches the concept of detecting a corporate action (dividend payout) pertaining to limit order (col. 11, lines 20-25). Not checking the “do not reduce” field will cause the system to automatically adjust the limit order as a result of corporate action (dividend payout).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wagner and Hawkins combination to include the features as taught by Chilchilnisky and Minton for the obvious reason of alerting the introducing affiliate of the corporate action so that appropriate action can be taken by the introducing affiliate on detecting such corporate action.

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al (USPN 5424938) in view of Hawkins et al (USPN 6029146) in view of Harada et al (USPAP

20030208440) as discussed in the previous office action mailed on June 1, 2006 (as affirmed by the BPAI mailed on July 20, 2207), in view of Minton (USPN 6014643) and further in view of Chichilnisky (USPAP 20020032642).

Re claim12: This claim recites similar missing limitations as claim 3 and is similarly addressed by the Minton and Chichilnisky references under the same rationale.

Claims 21-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (USPN 6029146) in view of Harada et al (USPAP 20030208440) as discussed in the previous office action mailed on June 1, 2006 (as affirmed by the BPAI mailed on July 20, 2207), in view of Minton (USPN 6014643) and further in view of Chichilnisky (USPAP 20020032642).

Re claims 21-22 and 24-25: These claims recite similar missing limitations as claims 3 and are similarly addressed by the Minton and Chilchilnisky references under the same rationale.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis (USPAP 20020065752) teaches alert notification server resulting from corporate actions (paragraph 0127).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A./  
Examiner, Art Unit 3691

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691